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LESTER BERNSTEIN
SENIOR EDITOR

Newsweek

February 14, 1964

The Honorable Earl Warren
Washington, D. C.

My dear Mr. Chief Justice:

I write as an individual; this letterhead is intended only to offer credentials of responsibility and good-will, and Mrs. Graham has been kind enough to agree to bring these personal observations to your attention.

I feel some qualms over the role you have been assuming as a press spokesman for the Presidential Commission you head, and these misgivings are shared by a number of colleagues whose judgment I value. We recognize the excellence of your motives in making yourself available for questioning and offering such comment as you can to keep the public informed of the Commission's work in a general way; it is plainly desirable to avoid the impression of a star-chamber proceeding, and to counter false or misleading public comment by witnesses. Moreover, you have been under considerable pressure from the press at large to give some running account of the hearings. I realize also that the proceeding you are conducting is extremely unusual, if not unique, and does not bear ready comparison to the way the Supreme Court, or any court, manages its business.

Nonetheless, it seems to me that you are courting an undesirable--and unnecessary--impression by publicly discussing the investigation, however guardedly, while it is in progress. Granting that this is not a court proceeding, it is certainly quasi-judicial; and your own identity as the nation's Chief Justice inevitably underscores its judicial aspect. Accordingly, it seems procedurally inappropriate and personally out of character for you to engage in public evaluation of witnesses and their testimony while the hearing is continuing and, in some instances, while testimony of the witness is still incomplete. Moreover, to deal casually on a day-to-day basis with reporters invites risks of misquotation, misunderstanding, and sensational exploitation--

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all of which, I believe, played a part in the recent clamor over whether or not you said that some evidence in the case would be withheld "in our lifetime." These are hazards to which some public officials must necessarily expose themselves; there is no reason, in my view, to do so as Chairman of this Presidential Commission, and every reason not to do so as a Chairman who happens also to be Chief Justice.

The alternative, I believe, is simple and reasonable: to employ the services of a competent, experienced public information officer. I do not know whether the Commission has such a man on its staff. If it does not, I should think it would be possible to acquire a high-calibre professional from one of the departments in the Executive Branch or, for that matter, from the Court. It seems to me that such a spokesman could conscientiously confine himself precisely to those limited areas in which you have been attempting to meet the demands of the press for continuing information. For him to do so would avoid risks of embarrassment to you and to the historic mission you are discharging. To remove yourself in this way from the hurly-burly of regular press contact would add a measure of dignity to the whole undertaking--and, as the continuing circus in Dallas suggests, dignity is a quality hardly notable so far in the legal aftermath of the tragedy of November 22.

I offer these suggestions with some reluctance since you have had to endure an extraordinary burden of criticism, and I hate to add to it even in this way. I would not presume to offer these suggestions at all if I did not count myself one of your warm admirers who has followed your career as Chief Justice with the highest respect and who wishes you well in this new assignment on which our country will be judged around the world and before the bar of history.

Sincerely,

Lester Bernstein

Lester Bernstein

LB/er